

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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IN RE:

JOANN PERRINO AKA VOLPE  
Debtor.

Hearing Date: May 15, 2021  
Hearing time: 09:30 a.m.

Case No.: 21-22136-shl  
Chapter 13  
Judge: Sean H. Lane

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**OBJECTION TO CONFIRMATION**

Courtney R Williams, Esq., an attorney duly admitted to practice before the United States Bankruptcy Court for the Southern District of New York, states the following under the penalty of perjury:

1. I am an attorney at law duly licensed to practice before this Court and an associate with the office of Gross Polowy, LLC, attorneys for Select Portfolio Servicing, Inc. as servicing agent for The Bank of New York Mellon Trust Company, N.A., f/k/a The Bank of New York Trust Company, N.A., as Trustee, in trust for and for the benefits of the Certificateholders of the Multi-Class Mortgage Pass-Through Certificates, ChaseFlex Trust Services 2007-3 ("Secured Creditor"), and as such, am fully familiar with the facts and circumstances of the present case.

2. Secured Creditor is the holder of a note secured by a mortgage on real property commonly known as 39 Gramercy Avenue, Yonkers, NY 10701 which property is owned by the Debtor.

3. The Debtor filed a Chapter 13 Plan on March 3, 2021 which lists arrears in the amount of \$54,939.69.

4. Secured Creditor filed a Proof of Claim on April 1, 2021 listing \$223,143.88 in pre-petition arrears.

5. The Debtor's proposed Chapter 13 Plan requests Loss Mitigation and the Court entered a Loss Mitigation Order, however the parties have not yet reached a resolution.

6. The Debtor's proposed Chapter 13 Plan provides for post-petition payments in the amount of 2,355, however the correct post-petition payment amount is 2,402.78.

7. Additionally, as the Debtor's proposed Chapter 13 Plan provides for total plan payments in the amount of \$13,860.00, which is insufficient to fully pay the arrears owed to Secured Creditor if loss mitigation is unsuccessful, confirmation of the Plan must be denied pursuant to 11 U.S.C. §1325.

8. As the Debtor's proposed plan fails to provide for full payment of the arrears listed in the Proof of Claim filed by Secured Creditor and lists the incorrect post-petition payment amount and fails to provide for sufficient funds to be paid into the Plan if loss mitigation is unsuccessful, confirmation of the Plan must be denied pursuant to 11 U.S.C. §1325.

WHEREFORE, it is respectfully requested that this Court deny confirmation of the Debtor's proposed plan, and for such other and further relief as to this Court deems just and equitable.

Dated: April 2, 2021

/s/ Courtney R Williams

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Courtney R Williams, Esq.